Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application Number

Application Number

## **TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Application Number	10/697,006-Conf. #8248
Filing Date	October 31, 2003
First Named Inventor	Takashi Nozaki
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	SHO-0028

Total Number of Pages in This Subm	ission	Attorney Doc	ket Numbe	SHO-0028		
E	NCLOSURES	(Check all t	hat app	(y)		
Fee Transmittal Form	Drawing(s)	_		After Allowance Communication to TC		
Fee Attached	Licensing-re	lated Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment/Reply	Petition			Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
After Final	Petition to C Provisional			Proprietary Information		
Affidavits/declaration(s)		rney, Revocatio orrespondence A		Status Letter		
Extension of Time Request	Terminal Dis	claimer		X Other Enclosure(s) (please Identify below):		
Express Abandonment Request	Request for	Refund	Petition under 37 CFR 1.47 Second Declaration under 37 CFR			
Information Disclosure Statement	CD, Number	of CD(s)		1.132 Declaration (executed; one inventor)		
Certified Copy of Priority Document(s)	Lands	cape Table on	CD	Declaration (unexecuted)		
Reply to Missing Parts/ Incomplete Application	Remarks					
Reply to Missing Parts unde 37 CFR 1.52 or 1.53	.					
		ANT ATTOR	NEV OF	ACCNIT		
Firm Name	TURE OF APPLIC		NEY, OR	AGENT		
Firm Name RADER, FISHMA	N & GRAUER PL	LC				
Signature		$\mathcal{I}$				
Printed name Brian K. Dutton		-				
Date January 14, 2005			Reg. No.	47,255		



Docket No.: SHO-0028

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takashi NOZAKI et al.

Confirmation No.: 8248

Application No.: 10/697,006

Art Unit: 3713

Filed: October 31, 2003

Examiner: Not Yet Assigned

For: GAMING MACHINE

# PETITION UNDER 37 C.F.R. §1.47 TO ACCEPT DECLARATION WHEN INVENTOR REFUSES TO JOIN IN APPLICATION

MS Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This Petition requests that the Declarations of Takashi Nozaki and Tomokazu Nakata be accepted, and that the application may be made by inventor, Takashi Nozaki, on behalf of himself and the omitted inventor, Tomokazu Nakata.

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. 35 U.S.C. §116. The oath or declaration in such an application must be accompanied by a Petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. 37 C.F.R. §1.47(a).

#### Petition including proof of the pertinent facts

The invention of the above-identified application was jointly created by Takashi Nozaki and Mr. Tomokazu Nakata while Mr. Nakata was employed by ARUZE Corp.

Application No.: 10/697,006 Docket No.: SHO-0028

("ARUZE") and under written contract to assign any and all inventions developed in connection with that employment to ARUZE.

A Petition Under 37 C.F.R. §1.47 To Accept Declaration When Inventor Refuses To Join In Application was filed on October 6, 2004. Provided along with the Petition of October 6, 2004 is a Declaration executed on June 30 ,2004 by the first inventor, Takashi Nozaki, but unexecuted by the second inventor, Tomokazu Nakata.

In response to the Petition of October 6, 2004, the Decision on Petition of November 15, 2004 refused to accord status under 37 C.F.R. §1.47(a).

On December 3, 2004, Brian K. Dutton of Rader, Fishman & Grauer PLLC, Registration No. 47,255, placed a telephone call to the Petitions Attorney, Mr. Charles Brantley, at the U.S. Patent and Trademark Office (USPTO) for further clarification regarding his reasoning for the Decision. Mr. Dutton left a voicemail message with Mr. Brantley on that date.

On December 8, 2004, Mr. Dutton received a telephone call from Mr. Brantley. The appreciation of the applicant is expressed to Mr. Brantley for the courtesy of the telephone call of December 8, 2004. During that telephone call, Mr. Brantley explained that the evidence of record must establish a diligent effort to tender the non-signing inventor, Mr. Tomokazu Nakata, with the specification and the Declaration, and must establish that Mr. Nakata cannot be found or reached after diligent effort or refuses to execute the application papers.

Mr. Brantley further explained that while the Declaration provided along with the Petition of October 6, 2004 to the USPTO lists the mailing address for Mr. Nakata as Aruze Corporation, the record does not indicate that Mr. Nakata normally receives mail at Aruze Corporation.

Accordingly, a revised unexecuted Declaration provided along with this Petition includes the address of Mr. Nakata as 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 Japan. Also provided along with this Petition is a Declaration under 37 C.F.R. § 1.132 executed on January 14, 2005 by Mr. Nobuo Yaegashi, General Manager of the Patent Department for ARUZE, that submits proof of the diligent effort undertaken by ARUZE in forwarding the

DC180362.DOC 2

Application No.: 10/697,006 Docket No.: SHO-0028

application papers to Mr. Nakata and in seeking the execution by Mr. Nakata of the revised unexecuted Declaration upon review of the application papers. Declaration under 37 C.F.R. § 1.132 additionally submits proof that the nonsigning inventor cannot be found or reached after diligent effort or refuses to execute the application papers.

Thus, the evidence of record establishes that the revised unexecuted Declaration lists the mailing address for the non-signing inventor, Mr. Tomokazu Nakata, as 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 Japan, and that Mr. Nakata cannot be found or reached after diligent effort or refuses to execute the application papers.

It has been established that an oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. M.P.E.P. §409.03(a). In this regard, inventor, Takashi Nozaki, has executed the Declaration while the signature block of the nonsigning inventor, Tomokazu Nakata, is left blank.

#### Fee set forth in §1.17(h)

Please charge Deposit Account No. 18-0013 in the amount of \$130.00 in payment of the Petition fee for other than a small entity.

#### Last known address of the nonsigning inventor

The last known address of the nonsigning inventor, Tomokazu Nakata, is 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 JAPAN.

DC180362.DOC 3

Application No.: 10/697,006 Docket No.: SHO-0028

#### **Conclusion**

Upon this petition and in view of the evidence submitted, it is requested that the Declaration of Takashi Nozaki and Tomokazu Nakata be accepted, and that the application may be made by inventor, Takashi Nozaki, on behalf of himself and the omitted inventor, Tomokazu Nakata

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: January 14, 2005

Respectfully submitted,

By\_\_\_\_\_Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant



Docket No.: SHO-0028

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Takashi Nozaki et al.

Application No.: 10/697,006 Confirmation No.: 8248

Filed: October 31, 2003 Art Unit: N/A

For: GAMING MACHINE Examiner: Not Yet Assigned

#### SECOND DECLARATION UNDER 37 C.F.R. § 1.132

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby declares that:

- 1. I am General Manager of Patent Department of ARUZE Corp. who is responsible for handling intellectual property, specifically patent, matters and is authorized representative of ARUZE Corp., assignee of above-identified application, to execute this Declaration. I am also designated to manage the above-identified patent application by ARUZE Corp.
- 2. In connection with my responsibilities with regard to the above-identified patent application and in view of Decision Refusing to Accord Status under 37 CFR § 1.47(a) mailed November 15, 2004, we again mailed, with an express registered mail, Declaration and Power of Attorney, Assignment, a copy of specification and drawings as filed in Japanese of the above identified application, English translation of the specification and Preliminary Amendment filed August 24,

2004 to Mr. Tomokazu NAKATA, one of the joint inventors of the subject matter disclosed and claimed in the above-identified patent application, on December 24, 2004, at his last known address of 7-42-7-301, Nishikamata, Ota-ku, Tokyo 144-0051 Japan, and requested his execution of a declaration as required by 37 C.F.R. § 1.63. The transmittal letter enclosed together with these documents and its English translation are attached hereto as Appendix A. A receipt of the mail issued by the Post Office with a date stamp of December 24, 2004 and its translation in English are attached hereto as Appendix B.

- 3. The mail was returned to us as no recipient was available at Mr. Nakata's last known address. A copy of the envelope having an official postal stamp stating that "this mail is returned because mail forwarding service term has expired." A copy of the envelope is attached hereto as Appendix C (no English translation is provided). No further information as to Mr. Tomokazu NAKATA's new address is available and there is no way to reach Mr. Tomokazu NAKATA.
- 8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that there statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title is of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore, I hereby subscribe my name to the foregoing Declaration.

Jan. 14, 2005

Nobuo Yaegashi General Manager of

Patent Department

Aruze Corp.

DC178977

アルゼ株式会社 〒135-0035 東京都江東区有明 3-1-25 有明フロンティアビル A棟

TEL: 03-5530-3055 FAX: 03-5530-3081

# 送 付 書

中田 智数 様

2004年12月24日(金)

TEL: 03-5530-3055 FAX: 03-5530-3081

特許部

総括責任者:八重樫信夫

海外責任者:川瀬光平

担当: 茶園佳代

拝啓 時下ますますご清栄のこととお喜び申し上げます。 さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

#### 件 名:署名の件

標記件に関しまして、前にもご連絡致しましたが、中田様が発明者である日本特許出願 2002-334705 号に基づいて米国(出願日:2003年10月31日)へ特許出願を行いました。当該出願に伴い、①宣誓書兼委任状、及び②譲渡証書に中田様の署名が必要となりました。

つきましては、重ねてお願い申し上げますが、<u>2005年1月10日(月)までに同封の書類に署名(2</u> 箇所)をしてご返送して戴きたく、宜しくお願い申し上げます。

なお、ご本意にそぐわない場合でも、誠にご面倒をお掛け致しますが、下記書類をご返送して戴きたく 宜しくお願い申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

同封書類:	1.	宣誓書兼委任状	1通	
	2.	譲渡証書	1通	
101 406 401 40 301 40 701 NO 101 NO 101 AC	3.	米国日本語出願用明細書	1通	-
107 000 000 000 000 100 100 100 100 100	4.	自発補正書(2004年8月24日付)	1通	
R 1887 1887 1887 1885 1885 1885 1887 1887	5.	上記明細書の英訳文	1通	
	6.	返信用封筒	1通	

以上

ARUZE Corp. Ariake Frontier Bldg., A-Bldg. 3-1-25, Ariake, Koto-ku, 131-0035 Tokyo

#### Transmittal

Mr. Tomokazu Nakata

December 24, 2004 Patent Department

General Manager: Nobuo Yaegashi (Seal) Foreign Manager: Kouhei Kawase (Seal) Person in Charge: Kayo Chaen (Seal)

Dear Mr. Nakata:

Please attend the following matters.

Sincerely yours.

#### Matter Name: Execution of Documents

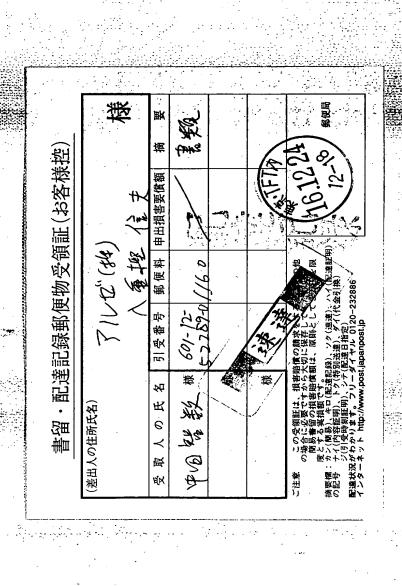
We have communicated earlier in connection with the matter above, we filed a patent application in the United States (filing date: October 31, 2003) wherein Mr. Nakata is an inventor. The filing of the application has necessitated that Mr. Nakata execute (1) the Declaration and Power of Attorney and (2) Assignment.

Your execution of the documents enclosed (two places) and return by January 10, 2005 would be greatly appreciated, even though the request is repeatedly made.

Further, if you would not like to execute the documents, it would be appreciated if you could return the following documents to us, even though it would be inconvenient for you.

If you have any question, please let us know at any time.

Enclosures:	1.	Declaration and Power of Attorney	1 document
	2.	Assignment	1 document
	3.	Specification for US filing in	1 document
		Japanese	
	4.	Preliminary Amendment (dated	1 document
		August 24, 2004)	
	5.	English translation of the above	1 document
		specification	
	6.	Return envelope	1 document



## Registered Mail/Delivery Record Mail Receipt (Customer Copy)

(Sender's Address/Name) ARUZE Corp. Nobuo Yaegashi							
Recipient's Name	Receipt No.	Fee_	Insured Amount	Item			
Tomokazu Nakata	601-12- 52289-0	1160		Documents			
	EXPRESS						
		MAIL (seal)					

Notes: [translation ommitted]

Tokyo in TFT Post Office December 24, 2004 12-18



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□ Declaration	☐ Declaration	Filing Date	Octo	ber 31, 2003	
submitted with or	submitted after	Group Art Unit	00.00	DET 31, 2003	
initial filing	initial filing	Examiner Name			
As a below named inventor,	I hereby declare that	t <b>:</b>			
My residence, post office ad	dress, and citizenship	p are as stated below	next to my	name.	
,,,,					
I believe I am the original, fi					
inventor (if plural names are on the invention entitled:	listed below) of the	subject matter which	is claimed	and for which a	patent is sought
on the invention entitled.	CAMBI	CACITAIR			
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I hereby state that I have revi	iewed and understan	d the contents of the	ahove ident	ified specification	n including the
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Additional foreign application num	bers are listed on a supplem	ental priority data sheet PTO	SB/02B attach	ed hereto:	
I hereby claim the benefit under Title 3:					
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+ Please type a plus sign in this box: PTO/SB/01 (3-97) Approved for use through 6/30/98. OMB 0651-0032 Patent and Trademark Office; US DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **DECLARATION - Utility Or Design Patent Application** I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) of any PCT international application designating the United States of America. listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the matter provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. **PCT Parent U.S Parent Application Parent Filing Date Parent Patent Number** Number Number (MM/DD/YYYY) (if applicable) Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Place Customer Registered practitioner(s) name/registration number listed below Number Bar Code Label Here Name Registration No. Name Registration No. Richard D. Grauer 22,388 Peter J. Rashid 39,464 David T. Nikaido 22,663 Kevin D. Rutherford 40,412 24,104 Ronald P. Kananen Glenn E. Forbis 40,610 Lee Cheng Ralph T. Rader 28,772 40,949 Carl Schaukowitch 29,211 Kristin L. Murphy 41,212 Michael D. Fishman Robert S. Green 31,951 41,800 Joseph V. Coppola, Sr. 33,373 James F. Kamp 41,882 Michael B. Stewart 36,018 Brian K. Dutton 47,255 Alexander D. Rabinovich 37,425 Shawn B. Cage 51,522 Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto. Direct all correspondence to 
Customer Number 23353 or Correspondence Address below or Bar Code Label Name Rader Fishman & Grauer PLLC 1233 20th Street, N.W., Suite 501 Address City, State, Zip Washington, D.C. 20036 Country US Telephone 202-955-3750 Fax 202-955-3751 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon Name of First Inventor A petition has been filed for this unsigned inventor. Given Name (first and middle [if any]) Family Name or Surname Takashi *NOZAKI* Inventor's Signature Dated June. 30, 2004 Residence: City Citizenship Country Japan Japan Post Office Address c/o ARUZE Corp., 3-1-25 Ariake, Koto-ku

State

Additional inventors are being named on the 1 supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.

Zip

135-0063

Country

Japan

Tokyo

City

### Attorney Docket No. SHO-0028

135-0063

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Japan

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Tomokazu			NAKATA	1			
Inventor's Signature	Inventor has	refused to sign.			]	Dated	
Residence: City	Tokyo	State	Coun	try	Japan	Citizenship	Japan
Post Office Address	c/o ARUZE	E Corp., 3-1-2.	5 Ariake, Kot	o-ku			

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Tokyo

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PATENT APPLI				PLETE II	F KNOWN	
		Application No.		10/697,00		-
Declaration	□ Declaration	Filing Date		October 3		
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initial filing	initial filing	Examiner Name				
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As a below named inventor,	I hereby declare that	:				
My residence, post office add	dress, and citizenship	p are as stated below	v next to	o my nam	e.	
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		DEC	LARA	TION - Uti	lity	Or De	sign Pater	it App	licati	ion_			
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As a named inventor, I here	by appoi	int the fo	llowing re	egistered practition	oner(s	s) to pros	ecute this appli	ication ar	nd to tra	ansact	all business in th	e Pater	nt and
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Ronald P. Kananen				24,104		rian K. I					47,2		
Carl Schaukowitch				29,211		nawn B.					51,52		
Lee Cheng				40,949	To	oshikats	u Imaizumi				Limited rec	ogniti	on
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☐ Additional registered p	ractitione	er(s) nam	ned on sup	oplemental Regis	tered	Practitio	ner Information	n sheet P	TO/SB/	/02C a	ttached hereto.		
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statements were made with the	knowledge	that willf	ul false sta	tements and the like	so m	ade are pu	nishable by fine o	r imprison	ment, or	both,	under Section 1001	of Title	18 of the
United States Code and that suc	h willful f	alse staten	nents may j	eopardize the valid	ity of t	the applica	tion or any patent	t issued the	ereon.				
Name of First In	vento	r		☐ A <u>r</u>	etit	ion ha	as been file	ed for	this ı	unsi	gned invent	or.	
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Additional inventors	are hei	ng name	ed on the	e 1 supplement	al ado	ditional	inventor(s) sh	neet(s) F	TO/SI	B/02 <i>A</i>	attached here	io.	

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